

HAVE NOT RESIGNED

Denial of a Report as to the Union Pacific Receivers.

Anderson Says Caldwell's Decision Has Embarrassed the Officials, but No Action Has Yet Been Taken.

At the offices of the Union Pacific railroad receivers in New York it was stated yesterday that there is no foundation in fact for a report emanating from Omaha to the effect that the receivers have decided to resign their offices in consequence of the strictures passed upon them by Judge Caldwell touching the labor question.

E. Ellery Anderson, one of the receivers, denied that there had been any resignation, and said: "The receivers of the Union Pacific system, however, have been somewhat shaken up over the recent decision of Judge Caldwell and it has been a question in our minds whether or not our relations toward the company and its army of employees have not been seriously, if not irrevocably, impaired by that decision, which was imprudent, to say the very least of it, and, to my mind, most unfortunate as far as we are concerned. Our position is a very grave one and is especially so when the vastness of the interests we represent is considered. That decision practically takes us to task. I have only seen Mr. Caldwell once since the rendering of his decision, and he has been Mr. Doane in California, hence there has been no conference in regard to the matter."

"Does not that feeling among the receivers portend a future possible resignation of the receivers?" he was asked.

"I cannot answer that now as I do not know what course will be pursued."

Both Mr. Caldwell and Mr. Anderson expressed the opinion that S. H. Clark would not resign from the presidency of the Union Pacific and that the reports of his resignation were not authentic.

Future of the L. & S.

An expert railroad man, who is well informed as regards the Indianapolis, Decatur & Western, and who has recently examined the property and the possibilities of its development, has advised the first mortgage bondholders to bid the road in at the coming foreclosure sale and expend \$100,000 in building branches to nearby coal fields and stone quarries. He tells the bondholders that he is confident that with this sum expended the road can be readily made to pay operating expenses and 5 per cent. on the first mortgage bonds. In this connection the gross earnings of the road since 1880, when it was opened for business into Indianapolis, become of interest. From 1880 to Dec. 31, 1883, fourteen years, the gross earnings have been as follows: 1880, \$129,662.47; 1881, \$148,832.12; 1882, \$148,911.31; 1883, \$242,471.18; 1884, \$416,933.27; 1885, \$335,082.18; 1886, \$456,821.56; 1887, \$442,400.80; 1888, \$496,554.47; 1889, \$498,149.01; 1890, \$465,900.00; 1891, \$509,523.31; 1892, \$442,610.90. In July, 1888, R. B. Peirce was appointed trustee and general manager of the road. The largest earnings of the road were in 1890, 1891 and 1892, and for 1893 the exhibit, under the condition of the road, certainly creditable. The road is in a better physical condition than at any time in its history. Less attention has been paid to the company's rolling stock than in the past, but it is stated that the power of the road is in excellent condition.

The Cody Patent Sustained.

Judge Swan, of the United States Court, rendered a decision at Detroit yesterday against the Michigan Central Railroad Company, which sustains the validity of the Cody patent of 1883 on steam heating for cars, owned by the Consolidated Heating Company of Albany. He also granted an injunction and ordered an accounting. This will affect nearly every railroad car in the country, and the steam heating, and all those using the Martin apparatus, such as the Michigan Central used, will be obliged to pay it for several years, and has been hotly contested. The decision holds the patent valid, and declares the use of the apparatus used by the railroad an infringement.

Personal, Local and General Notes.

M. E. Ingalls, president of the Big Four, will return from the East to-day.

E. E. Posey has been promoted to general passenger agent of the Mobile & Ohio.

L. W. Parker, the new agent of the Monon at Lafayette, will not take hold until May 1.

H. C. Parker, traffic manager of the Lake Erie & Western, is in Chicago on official business.

The gross earnings of the Illinois Central for March dropped \$12,800 below those of March, 1893.

The New York Central this week completed its block-signal system from New York city to Buffalo.

J. D. Allison, agent of the Panhandle line at Winamae, is a candidate for treasurer of the city of Loganport.

T. C. McNeill has been appointed assistant superintendent of the New Jersey division of the Pennsylvania line.

W. F. Wilson, general manager of the reorganized West Shore fast freight line, is expected in the city to-day on official business.

Cornelius Vanderbilt and Chauncey M. Depew are on their annual inspection of the Vanderbilt lines, and will reach Chicago this evening.

The Lake Shore people have under consideration a year extending the Fayette branch of the line to Fond du Lac. President Newell is said to favor such an improvement.

J. R. Cavenaugh, superintendent of car service of the Big Four lines, who has been for several days at Chicago and other Western points on official business, is expected home to-day.

Conductor Trindle says passenger business is reaching its old-time volume with the Vandalia line, and that the cars are brought in fifty-two passengers and 110 local passengers.

The Toledo, Ann Arbor & North Michigan, in connection with the Wabash, will open a new passenger line between Toledo and Detroit, using thirty-two miles of the Ann Arbor road and thirty-three miles of the Wabash.

The Cincinnati, Hamilton & Dayton has distributed the contract for a new bridge near Liberty and another near Brownsville, Ind.

R. F. B. Morse, Eastern passenger agent of the Big Four at Buffalo, N. Y., has not yet resigned, as stated by a dispatch. He is a passenger, and the Southern Pacific is anxious to secure his services, and should they agree on terms he may leave the Big Four.

The citizens of Springfield, O., say the talk of the Ohio Southern moving its general offices from Springfield to Lima is a mere bluff to get that city to put up \$50,000 to retain the general offices, which will not be done, says the Journal's informant.

The trouble in the Cincinnati-Louisville pool have broken out afresh. Friday Commissioner Shattuck will get the belligerents together and try and patch up a peace. The Big Four is doing too heavy a business.

Increased Appetite

is one of the first good effects felt by users of Scott's Emulsion of cod-liver oil with Hypophosphites. Good appetite begets good health.

Scott's Emulsion

is a fat-food that provides its own tonic. Instead of a tax upon appetite and digestion it is a wonderful help to both.

Scott's Emulsion arrests the progress of Consumption, Bronchitis, Scrofula, and other wasting diseases by raising a barrier of healthy flesh, strength and nerve.

Prepared by Scott & Bowne, N. Y. All druggists.

between Cincinnati and St. Louis to please his competitor. This is said to be the chief irritant.

The stockholders of the Belt road of Lafayette will meet on Friday to ratify their action on the contract by which the company becomes surety for a portion of the \$100,000 which the Monon people are to receive to aid in the building of the shops at that point.

C. E. Rodenberg, for many years a passenger conductor on the Indianapolis division of the Cincinnati, Hamilton & Dayton, but who for some time past had been a railroad contractor in Mississippi, died on Sunday, and his remains were brought to Richmond, Ind., for burial.

John G. Williams, general manager of the Vandalia, has issued an official circular announcing the resignation of Joseph Hill as general superintendent and the appointment of N. K. Elliott to the position; also, the appointment of Harry Hill as superintendent of the main line, taking effect April 15.

J. J. Frey, general manager of the Santa Fe, passed through the city on an early hour yesterday en route East over the Pennsylvania. He was accompanied by James Reibbeck and J. C. Loman, of Amsterdam, who represent the Holland & Erie holders, and who for two weeks past have been making a careful inspection of the property.

The National Association of Railway Air Brakemen, composed of railway employees, met at Columbus, O., yesterday, and will spend the week reading papers and discussing air-brake methods and principles and improvement of brakes. The paper read yesterday was by Robert Burgess, of Louisville, on the care of the brake cylinder and the triple valve.

Forty per cent. of the business of the railways of France is passenger traffic. The six great railroad companies of that country operated in 1893 on \$1.4 per cent. of the gross earnings in this country. The average is 64 per cent. The roads earned an average, gross, of \$10,000 and \$150 net per mile of the year 1893. The six great roads own 9,051 locomotives, 21,565 passenger cars and 24,332 freight cars.

Charges were recently preferred against the Chicago & Great Western of extending the limit of tickets from St. Louis to St. Paul. The Great Western claimed that it had extended the time on one ticket only, and on that basis the holder was not compelled to stop over in Chicago.

When the case came to a trial at Chicago yesterday it produced a doctor's certificate and was promptly cleared of the charge of manipulating tickets. The other lines were satisfied only, but were compelled to give in.

G. W. Kittredge, chief engineer of the Big Four, was in the city yesterday. He says the road has already purchased 60,000 tons, and will purchase 150,000 more. This week the first new steel was received. There are eight miles of it, and it will be put in the track on the St. Louis division. The road is now practically laid with steel rail weighing eighty pounds to the yard, and the St. Louis division will be so improved.

The Baldwin locomotive works have recently shipped six locomotives to Brazil, equipped with the locomotive electric light built in this city. The Chicago & Eastern Illinois now has nineteen locomotives equipped with this electric headlight, the Vandalia eighteen, the Cincinnati, Hamilton & Dayton twelve, the Queen & Crescent eight, the Evansville & Terre Haute six, the Indianapolis, Decatur & Western six, the Monon two, and recently six of these lights have been shipped to Southern roads which are adopting them.

S. R. Calloway, president and receiver of the Toledo, St. Louis & Kansas City, has filed his report for March with the board of directors for 1893. Gross earnings, \$1,759,994; expenses, \$1,049,000; net earnings, \$710,994. As compared with 1892, of \$1,323,350; net profit, \$1,087,612. The net earnings of the Pittsburgh, Erie & Western for March 1893, as compared with 1892, of \$54,431; net loss on the Little Miami for 1893, \$24,452. Passenger traffic for March 1893, as compared with 1892, 1893. Three directors were elected. They were James McCrea, of Pittsburgh; W. H. Wilson, of Philadelphia; Samuel S. Dennis, of Newark, N. J.

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Just at the time when other railroad centers are establishing freight bureaus, the Indianapolis Board of Trade has allowed the Indianapolis freight bureau to pass out of existence, but Cincinnati, which is probably the most useful one in the country, is still in existence. Its cardinal principle is no interference with the interests of the carriers, but its interests being mutual. Whenever the interests of Cincinnati are menaced by discrimination, however, the bureau will be the front for active work. All fair claims are instantly attended, and the bureau has had railroads invariably settle legitimate claims.

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ANTI-LIQUOR MOVEMENT.

The League Issues a Call for a Temperance Mass Meeting.

A number of persons interested in temperance are making arrangements for holding conferences in this city. The first of these meetings will be held at the Y. M. C. A. Hall in the morning and afternoon, and at Tomlinson at night. The following call has been signed:

The Anti-Liquor League originated through the action of the highest legislative body of the Christian church, and is a movement in which members of all denominations and all parties participate. Its object is to unite all temperance people in working for the nomination of pure temperance men to the polls. It works with all parties and against none as such. We believe that this organization is the surest way to secure the enactment of better temperance laws and the faithful enforcement of the same. We believe that the temperance voters far outnumber those who favor the liquor interests.

The following have signed the call: M. J. Allen, J. L. Todd, J. F. McKee, H. R. Allen, Wm. E. Hubbard, Chas. E. Reynolds, O. S. Rumlus, George W. Brown, J. W. Ward, Edward L. Mick, J. H. Hurty, L. H. Dunning, J. H. Miles, H. C. Newcomb, Wm. J. Billingsley, John E. Collins, John E. Cleland, H. A. Lash, George J. Hammett, H. B. Dunlap, J. H. Clark, R. H. Reed, J. H. Spang, W. W. McBride, J. H. Smith, J. B. Julian, Chas. W. Gorsuch, J. H. Herrington, John A. Lange, Wm. L. Cooper, George W. Crane, E. F. Ritter, Charles E. Dark, W. J. McCullough, J. E. Mason, A. L. Mason.

Cotter's Saloon Ordinance.

The finance committee of the Council will meet to-night. About the only thing to come before it is the saloon license ordinance. Councilman Cotter, who introduced it, said last night: "The object of this ordinance is to raise a barrier to our present license laws. They have been amended so many times that they are now almost unrecognizable. It is time to change the law at all, but it puts the ordinance and amendments as they now stand before the council, so that they can be understood by anyone."

THE ARGUMENT ENDED

Judge Brown Takes Apportionment Case Under Advisement.

Mr. Ferd Winter's Contention Against the Law—Attorney-General Smith's Speech in Its Behalf.

Judge Brown devoted all day yesterday to the argument in the apportionment suit. The case was concluded last night and the court announced that it would decide the merits of the argument at its leisure. There were a number of important points to be looked up, he said, and he did not want to hurry through the work. It is expected that the decision will not be made public for a week or ten days. Ferd Winter made the closing speech for the plaintiff. The character of the case had brought about the adjournment in the Supreme Court, but the inferior court could not ignore the decision because there had been a re-enactment of the law in controversy. He thought that the court could readily understand the obligatory nature of the rules of decision in the case of Parker vs. The State.

At some length the attorney discussed the bearing of political questions upon the present controversy. He clearly showed just how these same questions had been distorted by the counsel on the other side. The tariff was not one of the issues in the case, yet it would be argued by the opposing counsel that when the tariff law was attacked it was thrown out of the court because it was a political question. But notwithstanding the contention, he said, the United States Supreme Court took up the tariff law and decided its validity. He referred to the attack on the rules of the House of Representatives by Speaker Reed as another political case that had come under the jurisdiction of the court. The Barker law, although a campaign issue, was passed upon by the Supreme Court. Mr. Winter lamented the fact that Mr. C. W. Smith had wasted valuable time on the question of the constitutionality of the law in the United States had held the contention that apportionment was a discretionary measure of a political nature. He believed that such a decision had been rendered in a Virginia court, but he had been unable to find an argument or citation in support of the decision. Mr. Smith had said much about the question being one of discretionary power, but Mr. Winter produced numerous authorities which he was sure would disprove the assertion. The question had been disposed of long years ago and the statement could be corroborated by an examination of cases cited in the Maine, Massachusetts and Ohio authorities. A specific case brought to the notice of the Supreme Court of Nebraska was a precedent. There the court had properly decided the question to be judicial and not a political one. Although the Nebraska court found relief for the plaintiff without passing upon the constitutionality of the law, it decided that had another law not furnished relief the apportionment must have been found unconstitutional by the court.

Mr. Winter resented the intimation of Mr. Smith that partisan bias might influence the court. He did not believe that the bar would stoop to such a thing, and he pledged his sincere belief in the honest motives that he felt would control the decision of the present Supreme Court. He thought the last one had been actuated by honest motives. The court of Indiana, he said, were institutions. They are not individuals. Before the close of his argument Mr. Winter took up the discussion of the Wisconsin, Michigan and New York cases. He cited several instances in the records where apportionment cases in the States had been taken up by the courts and disposed of. One particular case in Wisconsin, where a court, untroubled by politics, had decided the question to be judicial and not political. In Michigan the case could be decided by the court with an urgent appeal to the court to strike down an infamous and unjust law that needed an unfair representation in the Legislature.

ATTORNEY GENERAL'S SPEECH.

Mr. Winters was followed by Attorney-General Smith, who closed the argument. He held that the case of Parker vs. The State, decided by the Supreme Court in 1883, was the controlling authority. He read by Mr. Winter the opinion of the court in that case, and he set up the following contention: The Supreme Court, in passing upon the constitutionality of the law of 1881, went outside of the record to render its decision. It was not necessary in the decision of that case to decide that either the apportionment law was unconstitutional or that the law of 1881 was unconstitutional. The decision of the court that the laws of 1881 and 1883 were unconstitutional was an over-gratuitous, unnecessary and unwarranted conclusion, and was a violation of the law of the case and was a violation of the law of the case and was a violation of the law of the case.

The room was very still in anticipation of the first bit of evidence. It was produced by the plaintiff and was a document near the southwestern corner of the room immediately in front of the jury. There were several minutes of suspense while the court awaited the appearance of the first witness. In the interim there was speculation as to whom it would be. This speculation took a varied range. Whichever corporation was held to all parties in the room. A number of persons expected to see Theodore P. Haughey appear as the first to give evidence on behalf of the government. Others thought the government would not thus early in the case make known to the defense the strongest points of its case. All the while District Attorney Burke, with his deputy, Edwin Barker, and Mr. Kern were busy engaged with a lot of papers lying upon the desk. These papers were tied with little pieces of colored tape. After several minutes Mr. Kern arose with some half dozen copies of the law in his hand and announced that the first witness was these same papers.

DEFENSE RAISES A TECHNICAL POINT IN THE FIRST EVIDENCE.

At exactly 4 o'clock Mr. Harris concluded his statement to the jury, and as he took his seat Judge Baker said: "Call your first witness."

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We desire to offer in evidence a certified copy of the act of the Indiana Legislature of 1881, which provided for the apportionment of the Indiana National Bank of Indianapolis.

Mr. Kern handed the copy to the attorneys for the defense, and continuing, offered in evidence certified copies of the act of the Indiana Legislature of 1881, which provided for the apportionment of the Indiana National Bank of Indianapolis.

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